Component of Statistics Canada catalogue no. 85-002-X
Juristat

Juristat Article

Child Luring Through the Internet

by Jennifer Loughlin and Andrea Taylor-Butts

March 2009
Vol. 29, no. 1

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March 2009, Vol. 29 no. 1

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March 2009

Catalogue no. 85-002-X, Vol. 29, no. 1
ISSN: 1209-6393

Frequency: Irregular

Ottawa

La version française de cette publication est disponible sur demande (nº 85-002-X, au catalogue).

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Symbols page

. not available for any reference period

.. not available for a specific reference period

... not applicable

0 true zero or a value rounded to zero

0^s value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded

^{p} preliminary

^{r} revised

x suppressed to meet the confidentiality requirements of the *Statistics Act*

^{E} use with caution

F too unreliable to be published

Child luring through the Internet

- In the two-year period covering 2006 and 2007, a total of 464 incidents of child luring were reported to police.
- Following the addition of the new child luring offences to the Canadian *Criminal Code* in 2002, the number of incidents reported to police has increased. The number of police-reported child luring incidents in 2006 was 1.5 times greater than in 2005, and rose another 31% in 2007, according to trend data from a subset of police services.
- Police cleared about 4 in 10 child luring incidents in 2006 and 2007, down in comparison to the three years prior to 2006, when the clearance rate was about 5 in 10 incidents.
- Adult males under the age of 35 accounted for 58% of those accused of child luring, in the two-year period covering 2006 and 2007.
- Relatively few child luring cases have been processed by the courts to date. Of those luring court cases that were completed between 2003/2004 and 2006/2007, about 9 in 10 involved multiple charges and many of those additional charges were sexual in nature.
- Between 2003/2004 and 2006/2007, about three-quarters of court cases involving a charge of child luring resulted in a finding of guilt. Custody was imposed as the most serious sentence in almost half (46%) of all guilty cases that had at least one charge of child luring, with custodial sentences averaging 374 days in length.

Child luring through the Internet

by Jennifer Loughlin and Andrea Taylor-Butts

The Internet is a virtual world filled with an abundance of information and endless sources of entertainment. While an extraordinary tool, the Internet comes with risks. For children these risks include the dangers of sexual exploitation, such as luring through the Internet.

In 2002, the Canadian *Criminal Code* was amended to include new offences that would help combat the luring of individuals under the age of 18, by making it "illegal to communicate with children over the Internet for the purpose of committing a sexual offence" (Department of Justice, 2002).[1] Accordingly, police services across Canada began collecting and reporting child luring incidents that come to their attention under this new legislative amendment.

Presently, there is little data available on child luring. The information that does exist represents only those incidents that have been reported to the police. Therefore, it is difficult to quantify the full extent and nature of child luring offences in Canada. Nonetheless, using the first available police-reported data on child luring[2], this *Juristat* article presents a snapshot of the characteristics of this relatively new criminal offence and the people accused of committing it, as well as an examination of court cases and decisions for child luring offences.

Growing access to technology may increase the risk of online sexual exploitation of children and youth

For Canadian children and youth access to the Internet is now almost universal (Media Awareness Network 2005; Clark, 2001). Moreover, today's youth use more than computers to connect in cyberspace — technologies such as Internet-compatible cell phones, text messaging devices and webcams are also popular among many young people (Media Awareness Network 2005; Clark, 2001). As a result, email, instant messages, blogs, chat rooms, online gaming, and other online networking mechanisms are becoming a larger part of the social network of today's children and youth (Sinclair, 2007). While expanding the means for social networking, these technologies also offer potential opportunities for child sexual exploitation (National Child Exploitation Coordination Centre, 2006; Wittreich, Grewal and Sinclair, 2008). Online predators can use cyberspace as a place to meet children and youth in order to lure them for sexual purposes (Wolak, Finkelhor, Mitchell, and Ybarra 2008; Denis, 2007; Sinclair, 2007).

Research shows that Canadian youth are engaging in behaviours that may raise their risk of online sexual exploitation; potentially risky behaviours such as sharing personal information over the Internet, emailing or posting photos online, chatting online with strangers, and visiting adult-content websites and chat rooms (Wittreich, Grewal and Sinclair, 2008). For example, in a study of approximately 5,200 4th to 11th graders representing every province and territory across Canada, about 3 in 10 youth indicated that they would provide their real names and addresses to sign-up for free email or create a profile on a social networking site, while 16% indicated that they had intentionally visited a pornographic website and 9% had visited an adult chat room during their current school year (Media Awareness Network, 2005).

1. Under Section 172.1 (Luring of Children on the Internet) of the Criminal Code, the requisite age (real or believed) of the intended victim varies from 14 to 17, depending on the particular offence.
2. In order to provide a more substantial analysis of the most recent available data, 2006 and 2007 data have been combined. Also, unless otherwise stated, the analysis is based on all incidents of child luring whether or not it was the most serious violation.

Evidence from the U.S. also suggests that a significant number of children, and especially teenagers, in that country are confronted with the potential dangers of cyberspace and online sexual exploitation. According to the Youth Internet Safety Survey (YISS), a nationally representative survey conducted in 2005, one in three U.S. Internet users aged 10 to 17 was exposed to unwanted sexual material; one in seven received unwanted sexual solicitations and one in eleven had been the recipient of threats or offensive behaviour over the past year (Wolak, Mitchell, and Finkelhor, 2006). Moreover, some of these online victimizations appear to be on the rise in the U.S. In particular, the proportion of U.S. children and youth harassed online, as well as the proportion unwillingly exposed to sexually explicit material both increased between 2000 and 2005 (Wolak et al., 2006).

Despite what appears, according to this U.S. research, to be a growing number of children and youth exposed to exploitive and threatening material, few of these incidents are reported to the authorities. For example, less than 10% of American children and youth sexually solicited over the Internet in 2005 reported the incident to law enforcement authorities, Internet service providers, or some other authority; reporting was even less likely for unwanted exposure to sexual material (Wolak et al., 2006). About 12% of unwanted sexual solicitations were handled by parents or guardians (Wolak et al., 2006). However, American youth failed to tell anyone about the solicitations in 56% of cases (Wolak et al., 2006). Children and youth may not disclose experiences of online sexual exploitation for several reasons, including being too frightened or embarrassed or not understanding the magnitude of the situation (Wolak et al., 2006).

Police-reported data from 2006 and 2007 show few incidents of child luring

In the most recent two-year period, 2006 to 2007, a total of 464 incidents of child luring were reported by police services across Canada.[3] This figure represents an average of about 3 incidents of child luring per 100,000 youth under the age of 18, reported to police per year. While more than 6 in 10 child luring incidents reported to police during 2006 and 2007 were not cleared, charges were laid or recommended against an accused in about 3 in 10 incidents; the remaining offences (8%) were cleared otherwise.[4] Clearance rates[5] vary with the type of offence, however, the overall clearance rate for police-reported incidents involving sex crimes classified as 'other sexual offences'[6] (which primarily involve sexual abuses against children) was nearly 8 in 10 for the two-year period covering 2006 and 2007. More similar to luring incidents, over 4 in 10 police-reported incidents involving child pornography were cleared during the same timeframe.

When an offence is not cleared either by the laying or recommendation of charges or through some other means, it can signify that a chargeable suspect has not been identified in conjunction with the offence. Thus, the proportion of child luring incidents not cleared by the laying of charges or cleared otherwise may be explained by the difficulties inherent in identifying and apprehending online predators outside of the borderless and seemingly anonymous world of the Internet. There are many challenges police face in acquiring the evidence necessary to lay charges against people for crimes committed over the Internet.

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3. These data are from the 2006 and 2007 Incident-based Uniform Crime Reported Surveys (UCR2). In 2006, coverage of the UCR2 Survey incident counts represented approximately 91% of the population of Canada, while coverage for accused persons counts represented approximately 87%. Incident-based UCR2 coverage was at least 91% in all provinces and territories except British Columbia (37%). In 2007, coverage of the UCR2 Survey incident counts represented approximately 94% of the population of Canada, while coverage for accused persons counts represented approximately 90%. Incident-based UCR2 coverage was at least 97% in all provinces and territories except British Columbia (59%).

4. An incident is cleared by other means or "cleared otherwise" when police have identified at least one accused and there is sufficient evidence to lay a charge in connection with the incident, but the accused is processed by other means. Reasons for an incident being cleared otherwise include: the complainant declined to lay charges, departmental discretion, suicide of accused, death of accused, death of witness/complainant, committal of accused to mental hospital, accused in foreign country, accused involved in other incidents, reason beyond departmental control and diversionary program.

5. Includes offences cleared by charge as well as those cleared otherwise.

6. 'Other sexual offences' refers to a group of offences that are meant to primarily address incidents of sexual abuse directed at children. The Criminal Code offences included in this category are: sexual interference, invitation to sexual touching, sexual exploitation, incest, anal intercourse, and bestiality.

For example, conversations or sexually exploitative images are easily stored and removed from digital devices such as cameras, cellular phones, music players and game consoles; all of which are likely to go undetected (Denis, 2007). Training, cooperation and information sharing between organizations[7], as well as time and funding have been identified as essential in locating online offenders both nationally and internationally (Sinclair and Sugar, 2005).

Overall, most incidents of child luring coming to the attention of police involved a single charge or violation. In 2006 and 2007, for about three-quarters of police-reported incidents involving a child luring offence, the luring was the only violation. The remaining quarter of child luring incidents involved one or more additional criminal violations such as the production or distribution of child pornography; sexual assault (level 1)[8]; indecent acts; or sex crimes categorized as 'other sexual offences'.

That most incidents of child luring reported to police involve a single violation may be related to the fact that an accused was not identified in a majority of these incidents (i.e., about 4 in 10 police-reported incidents involving child luring were cleared by charge or cleared otherwise during 2006 and 2007). Child luring cases where there is no accused tend to involve a single charge, while multiple violations were more common among incidents where an accused was identified. More specifically, just over half (51%) of incidents where an accused was identified[9] involved two or more violations, while just under half (49%) involved a single violation, in 2006 and 2007.

Text box 1
Child pornography via the Internet

Pornographic images of children are shared by pedophiles via the Internet every day, according to the Kids Internet Safety Alliance (KINSA), a Canadian organization that has been fighting cybercrime since 2005 (Fournier, 2008).

In 2002, amendments were made to the *Criminal Code*'s definition of child pornography to include the use of the Internet for the purpose of committing child pornography offences.

In 2006, a non-representative sample of 16 police services, representing 14% of the national population, began using a special indicator to gather and report information on child pornography incidents committed using a computer or the Internet.[10] Among the subset of 16 police services using this 'cybercrime' indicator, there were 72 reported incidents of child pornography via computer or the Internet, involving 28 accused, all of whom were males under the age of 56.

Trend data show a rise in police-reported incidents of child luring

Data on child luring have been consistently gathered from select police services since 2003.[11] During the first three years of collection of child luring data by these police services, from 2003 to 2005, the number of reported offences remained stable. More recently, incidents of child luring reported by these police services have increased. The number of police-reported child luring incidents in 2006 was 1.5 times greater than in 2005, and rose an additional 31% in 2007.

7. Organizations include: police agencies within Canada and internationally, Internet Service Providers, Cyber tip lines such as Cybertip.ca, International governments, INTERPOL etc.
8. Sexual assault level 1 is defined as an assault committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated; level 1 involves minor physical injuries or no visible injuries to the victim. Level 2 and level 3 sexual assaults involve more serious physical injuries to the victim.
9. These include all incidents that were cleared by charge or cleared by means other than the laying of a charge.
10. Data for 2007 are not yet available.
11. Information is based upon a non-representative sample of 127 police services who have consistently reported to the Incident-based Uniform Crime Reporting (UCR2) Survey since 2003. In 2007, coverage of the incident counts represented approximately 68% of the population of Canada, while coverage for accused persons counts represented approximately 64%.

Increases in the number of child luring incidents coming to the attention of police follow heightened efforts to raise awareness of child luring. For example, subsequent to the introduction of the new legislation on child luring, the National Strategy to Protect Children from Sexual Exploitation on the Internet was established in 2004 to help expand resources to combat online child sexual exploitation. The majority of the federal funding attached to the national strategy was allocated to the expansion and further development of the Royal Canadian Mounted Police's (RCMP's) National Child Exploitation Coordination Centre to enhance law enforcement response to Internet-facilitated child sexual exploitation (Public Safety Canada, 2005). In 2005, Canada's national tip-line, Cybertip.ca, was officially launched. A partner in the National Strategy, Cybertip is committed to the online protection of children, as well as educating the public and increasing awareness regarding child sexual exploitation via the Internet (Cybertip.ca, 2008a) (see Text box 2).

It is difficult to know to what extent the growth in child luring offences reported to police may be related to increased efforts to raise public awareness or to other factors, such as advances in police efforts to capture online predators, or to an actual increase in the number of luring incidents.

Text box 2
Cybertip.ca

Due to growing concerns over child sexual exploitation on the Internet, Cybertip.ca was launched as a pilot project in Manitoba in 2002. In 2004, Cybertip.ca was adopted as a partner to Canada's National Strategy for the Protection of Children from Sexual Exploitation on the Internet and, in 2005, was officially announced as Canada's national tip-line.

Cybertip.ca receives and addresses reports of the sexual exploitation of children on the Internet, such as child luring and child pornography. In addition, reports which represent possible violations of the *Criminal Code* are forwarded to police services for further investigation. On average, Cybertip.ca receives more than 700 tips per month.

Upon officially becoming Canada's national tip-line in 2005, Cybertip.ca received five times (5,595) the number of reports it had in the previous year (956). Furthermore, the number of reports received by Cybertip.ca has increased steadily since then.

Cybertip.ca received a total of 21,000 tips about online child exploitation between its launch in 2002 and January 2008:

- 90% of tips were about child pornography,
- 8% of tips were about online child luring,
- 1% of tips were about children exploited through prostitution, and
- 1% of tips were about child sex tourism.

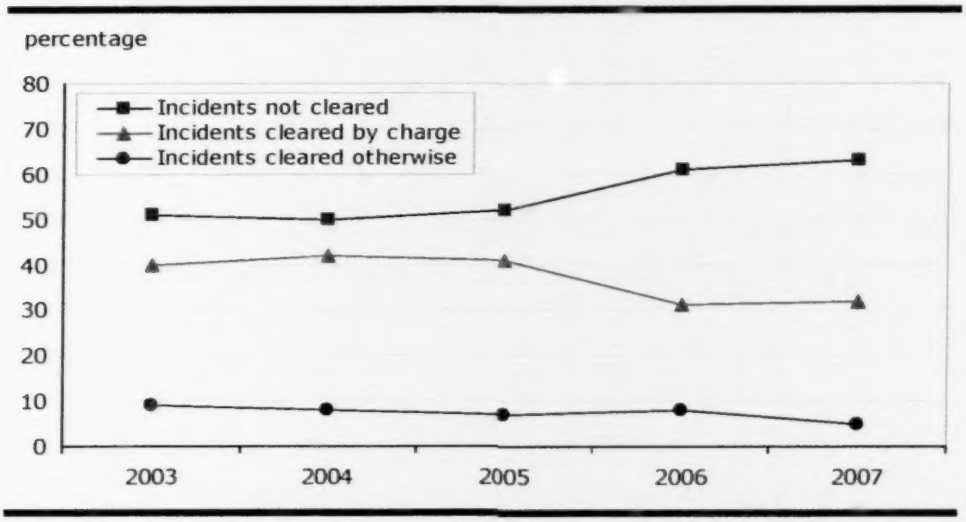
In addition, by January 2008, reports to Cybertip.ca had aided in 42 arrests and in the removal of 2,850 websites from the Internet; another 2,136 websites were under investigation; and over 10,000 illegal images of children were blocked, with the help of Cleanfeed Canada – part of the Canadian Coalition Against Internet Child Exploitation (CCAICE), Cleanfeed is aimed at reducing the distribution of child pornography and intentional as well as accidental access to child sexual abuse images.

Source: Cybertip.ca. 2008b. http://www.cybertip.ca/pdfs/fact_sheet_pdf/English/CyberStats_en.pdf (accessed September 30, 2008).

Police clearance rates for child luring incidents have declined

According to the trend data, a minority of child luring offences were cleared by police, either by the laying or recommendation of charges or through other means over the five-year period between 2003 and 2007. The proportion of child luring incidents cleared by charging someone with the crime was 10 percentage points lower in 2006 and 2007, than it had been in each of the three years preceding 2006. Yet, the proportion of child luring incidents cleared otherwise, though down in 2007, generally remained stable between 2003 and 2006. Taking incidents cleared by charge and those cleared by other means together, the trend data indicate about 4 in 10 child luring incidents were solved by police in 2006 and 2007; this figure was down compared to the three years prior to 2006, when the clearance rate for child luring stood at about 5 in 10 incidents (Chart 1).

Chart 1
Fewer than 40% of child luring incidents were cleared in 2007



Note: Information is based upon a non-representative sample of 127 police services who have consistently reported to the Incident-based Uniform Crime Reporting Survey since 2003. In 2007, these data represented 68% of the population of Canada.
Source: Statistics Canada, Canadian Center for Justice Statistics, Incident-based Uniform Crime Reporting Trend Database, 2003-2007.

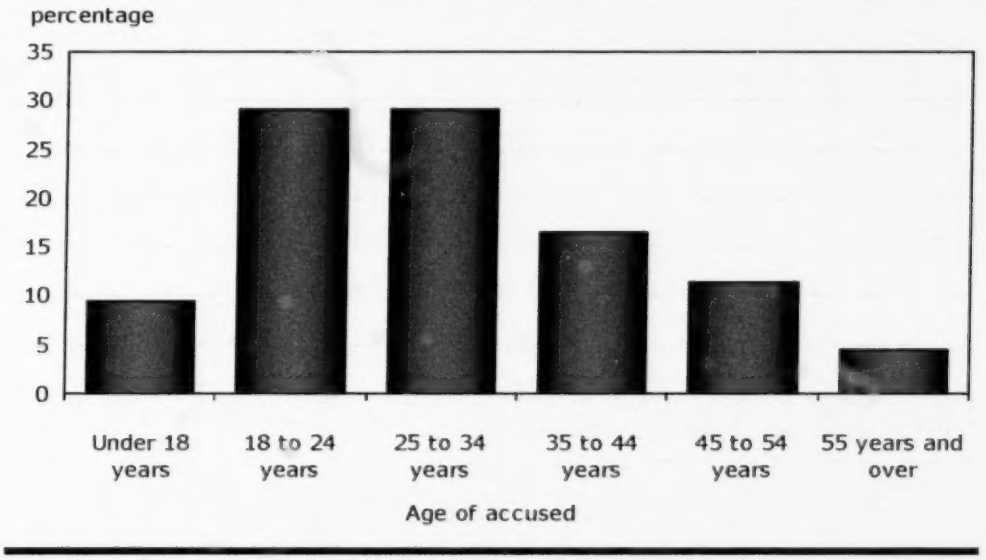
Men aged 18 to 34 represented the majority of people accused of child luring in 2006 and 2007

During the two-year period between 2006 and 2007, an accused was identified in about one-third child luring offences. In comparison, an accused was identified in about half of child pornography incidents and more than three-quarters of 'other sexual offences', over the same two-year time frame.

About 6 in 10 of the 158 people accused of luring over this two-year period from 2006 to 2007 were younger adult males between 18 and 34 years of age (Chart 2).[12] In comparison, males aged 18 to 34 constituted more than 3 in 10 of those accused in child pornography violations and just under 3 in 10 of accused in crimes categorized as 'other sexual offences', during the same two-year period.

12. This includes all incidents involving a child luring offence; those where child luring was the most serious offence as well as incidents involving luring along with offences carrying more serious penalties. Information is not currently available for victims of police-reported child luring offences.

Chart 2
Majority of persons accused of child luring during the two-year period from 2006 to 2007 were aged 18 to 34



Note: These data are from the 2006 and 2007 Incident-based Uniform Crime Reporting Survey, with coverage representing approximately 92% of the Canadian population.
Source: Statistics Canada, Canadian Center for Justice Statistics, Incident-based Uniform Crime Reporting Survey, 2006 and 2007.

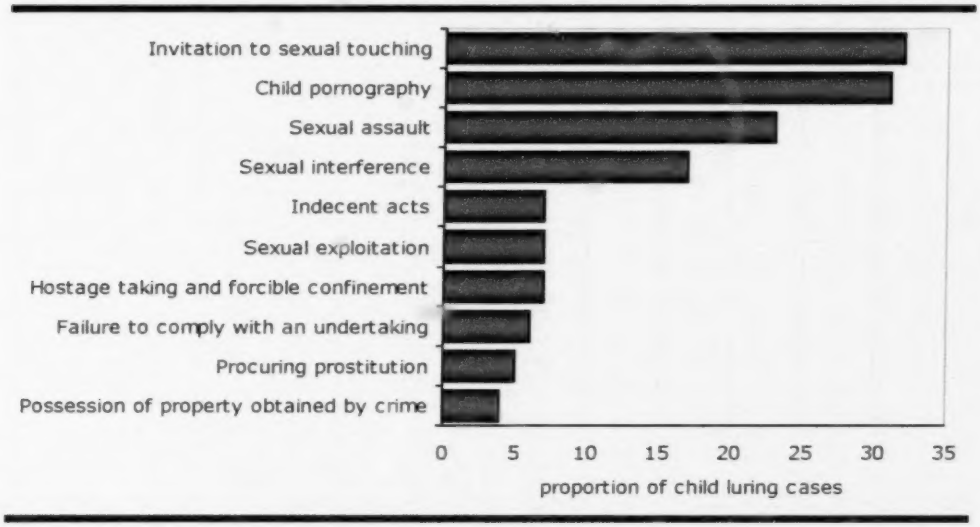
Most criminal court cases involving a luring offence also involved other charges, many of which were sexual in nature

From 2003/2004 to 2006/2007, adult and youth criminal courts processed 122 cases where at least one charge was for a child luring offence (Text table 1).[13] The accused was an adult in 113 of these cases, while 9 cases were completed in youth court.[14] Overall, cases involving a child luring offence represented a small fraction of the cases processed in criminal courts during this four-year period; in 2006/2007 alone, adult and youth courts combined disposed of nearly 430,000 cases (Thomas, 2008; Marth 2008).

13. The Integrated Criminal Court Survey (ICCS) collects data on charges and cases completed in adult and youth criminal courts each fiscal year. Criminal court data are not yet available for 2007/2008. All cases involving child luring charges are considered, whether or not child luring was the most serious offence for which the accused was charged.
14. The ICCS defines a case as all charges against the same person having common key, overlapping dates, including the date of offence, date of first appearance, date of decision and date of sentencing. Due to the limited number of child luring cases completed, data have been grouped for 2003/2004 to 2006/2007. These data represent 100% of the completed caseload in youth courts in Canada and approximately 95% of the completed caseload in adult criminal courts. Data from adult criminal courts represents eleven jurisdictions (excluding Manitoba and Northwest Territories).

From 2003/2004 to 2006/2007, most cases involving a child luring offence (106 cases or 87%) also involved other charges and many of those additional charges were sexual in nature.[15] Approximately one-third of cases involving child luring offences included a charge of invitation to sexual touching (32% of all luring cases), and/or a charge of child pornography (31%).[16] Sexual assault, sexual interference, indecent act, sexual exploitation and procuring prostitution were some of the other sexual crimes that were sometimes associated with cases involving a charge of luring (Chart 3).

Chart 3
About one-third of child luring cases from 2003/2004 to 2006/2007 included charges of invitation to sexual touching or child pornography



Source: Statistics Canada, Canadian Center for Justice Statistics, Integrated Criminal Court Survey, 2003/2004 to 2006/2007

Most court cases involving a luring charge result in a finding of guilt

Between 2003/2004 and 2006/2007, about three-quarters (89 or 73%) of cases with at least one child luring charge resulted in a finding of guilt in criminal court. In addition, about three-quarters of these guilty cases had at least one guilty charge specifically for child luring.[17]

Slightly more than half (52%) of the guilty cases involving a child luring charge had a single guilty charge, while 48% had multiple guilty charges, from 2003/2004 to 2006/2007.

15. For a number of reasons, it is difficult to make comparisons between police-reported and courts data. For example, there is no single unit of count (i.e., incidents, offences, charges, cases or persons) that is defined consistently across the major sectors of the justice system. Additionally, information is captured in the UCR with the laying of a charge, while in the ICCS, information is reported in the year the court rendered a decision. As well, the number and type of charges laid by police may change at the pre-court stage or during the court process. Therefore, time lags between the various stages of the justice process also make comparisons difficult.
16. A case can have multiple charges and as a result, the offences listed and percentage of cases that they represent are not mutually exclusive.
17. Even though child luring was among the charges faced by the accused, the accused's conviction may have been for an offence or offences other than child luring.

Text table 1
Cases with at least one child luring charge by most serious offence and type of final decision, 2003/2004 to 2006/2007

Most serious offence	Total cases	Final decision			
		Guilty	Acquitted	Stayed	Withdrawn, dismissed, or discharged
	number				
Child luring	49	41	0	1	7
Child pornography	19	15	0	4	0
Invitation to sexual touching	17	7	1	2	7
Sexual interference	12	9	0	0	3
Sexual exploitation	6	3	0	0	3
Indecent acts	3	3	0	0	0
Counselling offence	3	3	0	0	0
Procuring prostitution	2	1	0	0	1
Sexual assault	2	1	0	0	1
Hostage taking and forcible confinement	2	0	0	0	2
All other offences[1]	7	6	0	0	1
Total luring cases	**122**	**89**	**1**	**7**	**25**

1. Other offences identified as the most serious offence in child luring cases include careless use of a firearm, making an automatic firearm, abduction of person under 14, robbery, breach of probation, failure to appear, and uttering threats.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey, 2003/2004 to 2006/2007.

Overall, adult and youth criminal courts imposed serious sanctions on individuals convicted in cases involving child luring offences. Custody was imposed as the most serious sentence in almost half (46%) of all guilty cases (Table 1), with custodial sentences averaging 374 days in length during the four-year period between 2003/2004 and 2006/2007. Comparably, during the same time frame, custody was ordered in 45% of cases where convictions for sex crimes classified as 'other sexual offences' were the most serious offence; however the average sentence length was 465 days.

People found guilty in cases involving a child luring offence may or may not have received a conviction on the child luring charge. When child luring was the only charge for which the accused was convicted, custody was imposed in less than 3 in 10 (28%) convictions and the average length of these custodial sentences was 272 days.[18]

Compared to custodial sentences, community-based sanctions were more frequently ordered when a child luring charge was the only conviction in a case. A conditional sentence (42%) or probation (25%) were ordered as the most serious sentence in about two-thirds of cases where the only conviction was for child luring.

Prison sentences were particularly likely for cases involving multiple convictions, with custody imposed in almost two-thirds (63%) of guilty cases where the accused was convicted on two or more charges. The average length of custody for cases involving luring charges where the accused was convicted on multiple charges was 465 days.[19]

18. An "Other" sentence was the most serious sentence in 2 cases with a single child luring conviction. "Other" most serious sentences include restitution, absolute and conditional discharge, suspended sentence, payment of legal costs, and suspension of drivers license.
19. Custody was imposed in 30% of luring cases where the accused was convicted on a single charge, for an average length of 200 days for all single-conviction cases involving a charge of child luring, regardless of whether the conviction was for child luring or some other offence.

Summary

In 2002, legislation making child luring through the Internet a criminal offence was passed, making it a relatively new addition to the Canadian *Criminal Code*. Police-reported data on child luring represent only that fraction of incidents having come to the attention of police.

Data from a subset of 127 police services show that in the five years from 2003 to 2007, the number of police-reported child luring incidents increased, though they still represented a small proportion of all crime. Difficulties in locating online perpetrators and gathering the evidence required to lay charges contribute to the challenges of solving child luring crimes. Clearance rates for child luring offences declined slightly during the period from 2003 to 2007. The majority of people charged with online child luring are males between 18 and 34 years of age.

So far, few child luring cases have been processed by the courts, but the vast majority of completed court cases involving a luring charge have resulted in a guilty finding. Overall, custody was imposed as the most serious sentence in almost half of all guilty cases involving at least one child luring charge, with custodial sentences averaging 374 days in length. However, when a child luring charge was the only conviction in a case, community-based sanctions were most frequently ordered.

Although presently limited, data from police and courts are helping to develop a clearer picture of the prevalence and characteristics of child luring offences that come to the attention of law enforcement in Canada. Undoubtedly, additional years of data on child luring over the Internet will assist in further informing our understanding of this complex issue.

Detailed data table

Table 1
Guilty cases with at least one child luring charge by most serious sentence imposed in criminal court, 2003/2004 to 2006/2007

Type of case	Total	Most serious sentence									
		Custody		Conditional sentence		Probation		Fine		Other	
	number	number	percent	number	percent	number	percent	number	percent	number	percent
Single-conviction case	46	14	30	17	37	12	26	1	2	2	4
Multiple-conviction case	43	27	63	5	12	5	12	1	2	5	12
Total guilty cases	**89**	**41**	**46**	**22**	**25**	**17**	**19**	**2**	**2**	**7**	**8**

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey, 2003/2004 to 2006/2007.

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